

DETAILED ACTION

1. In view of the Appeal Brief filed on 08/09/2010, PROSECUTION IS HEREBY REOPEN. New grounds of rejection are set forth below.

To avoid abandonment of application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filling a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they are previously paid, then appellant must paid the difference between the increase fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 9, 10, 15 and 16 are rejected under 35 U.S.C. 102 (e) as being anticipated by Buckley et al. (US 7,809,350 B2).

Regarding **claim 9, 15 and 16**, Buckley teaches a method for controlling establishment of connections to mobile stations present in an area, the method comprising:

transmitting a sequence in a message sent to the mobile stations in at least one cell of a mobile radio network present in the area (Col.2, lines 54-56, Col.4, lines 54-59, Col.10, lines 31-35, fig.1, illustrates and teach the communication device for communicating short messages between base station 120 and mobile device 102 wherein the mobile received a list of short messages),

providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence (Col.13, lines 55-67, Col.14, lines 1-9 teach mobile user input request for communicating the short messages).

Regarding **claim 10**, Buckley teach a method for controlling establishment of connections to mobile stations as claimed in claim 9, wherein the sequence is transmitted as a cell broadcast short message (Title, Col.15, lines 40-51 teach broadcasting emergency information)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al. (US 7,809,350 B2) in view of Yarwood (US 6,161,016).

Regarding **claim 11**, Buckley teaches the method for controlling establishment of connections of mobile station as claimed in claim 9, **but is silent on** wherein the sequence is transmitted as a circuit switched group call.

In an analogous art, Yarwood teaches wherein the sequence is transmitted as a circuit switched group call (Col.2, lines 35-47 teach switching center transmits by base station to selected group call).

Therefore, it would have been obvious at the time that the invention was made to modify Buckley with Yarwood's system such that wherein the sequence is transmitted as a circuit switched group call in order to provide same the message to plurality mobile device in a emergency situation.

6. **Claims 12-14** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Buckley et al. (US 7,809,350 B2) in view of Coles et al. (US 2006/0217153 A1).

Regarding **claims 12 and 13**, Buckley teach the method for controlling establishment of connections of mobile stations as claimed in claim 9, **but is silent on** wherein the transmission of the sequence occurs via an SIM application toolkit of a mobile station, the SIM application toolkit prompting the mobile station to transmit data representing at least one of a telephone number of the mobile station and a terminal number of the mobile radio to one of the mobile radio network and a destination.

In an analogous art, **Coles teaches** wherein the transmission of the sequence occurs via an SIM application toolkit of a mobile station, the SIM application toolkit prompting the mobile station to transmit data representing at least one of a telephone number of the mobile station and a terminal number of the mobile radio to one of the mobile radio network and a destination (Abstract, Paragraphs [0037-0038], [0041]). It would have been obvious at the time that the invention was made to modify Buckley with Coles's system such that the SIM application toolkit prompting the mobile station to transmit data representing at least one of a telephone number of the mobile station in order to secure and transmit to a correct phone/user.

Regarding **claim 14**, Buckley teaches a method for controlling establishment of connections of mobile stations as claimed in claim 9, but is silent on comprising scanning at least one of telephone numbers and mobile station device numbers of the

Art Unit: 2617

mobile stations in the area to substantially ascertain which of the mobile stations are present in the area.

Coles teaches comprising scanning at least one of telephone numbers and mobile station device numbers of the mobile stations in the area to substantially ascertain which of the mobile stations are present in the area (Paragraphs [0020], [0034]). It would have been obvious at the time that the invention was made to modify Buckley with Coles's system such that scanning at least one of telephone numbers and mobile station device numbers in order to verify and determined the correctly user information during emergency transmitting.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617